



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
999 18<sup>TH</sup> STREET- SUITE 200  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

July 18, 2006

Ref: 8ENF-W

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Richard Oppen, Director  
Montana Department of  
Environmental Quality  
1520 E. Sixth Avenue  
P.O. Box 200901  
Helena, MT 59620-0901

NOTICE OF VIOLATION

Docket No. **SDWA-08-2006-0049**

The Potomac Store L.L.C.  
29344 Hwy 200  
Bonner, MT 59823  
PWS ID# MT0000849

Dear Mr. Oppen:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f, et seq. and the National Primary Drinking Water Regulations at 40 C.F.R. part 141. The violations consist of exceedance of maximum contaminant levels (MCL) for total coliform, failure to monitor for bacteriological quality, failure to take four repeat samples following a positive total coliform result, failure to take five routine samples following a positive total coliform sample in the preceding month, failure to monitor for nitrate, failure to provide public notice, and failure to notify the State of the violations. Our records, obtained from the Montana Department of Environmental Quality's Public Water Supply Online Query Reports, indicate the violations noted below. Please notify Kimberly Pardue Welch of my staff at (303) 312-6983 within 20 days if your records show any discrepancies with these determinations of violation.

Date of  
Violation

Violation

April 2005 and May 2006      Exceeded the MCL for total coliform bacteria. [40 C.F.R. § 141.63(a)(2)]

September 2001, December 2001, August 2002, September 2002, December 2002, February 2003, May 2003, June 2003, August 2003, October 2003, November 2003, February 2004, April 2004, May 2004, June 2004, July 2004, August 2004, October 2004, November 2004, March 2005, December 2005, March 2006	Failure to monitor for bacteriological quality. [40 C.F.R. § 141.21]
May 2002	Failure to take 4 repeat samples following a total coliform positive result. [40 C.F.R. § 141.21(b)]
June 2002, May 2005, July 2005, November 2005	Failure to take five routine samples following a total coliform positive sample the preceding month. [40 C.F.R. § 141.21(b)(5)]
2001, 2003, 2004, 2005	Failure to monitor for nitrate. [40 C.F.R. § 141.23 (d)]
2002 - 2006	Failure to notify public of above referenced violations except February and July 2004 FTM TCR. [40 C.F.R. § 141.201]
2002 - 2006	Failure to report the above-referenced violations to the State [40 C.F.R. §§ 141.31(b), 141.21(g)(1), and 141.21(g)(2)]

This NOTICE OF VIOLATION is issued pursuant to section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). If the State does not commence appropriate enforcement action within 30 days from the receipt of this notification, the EPA is authorized either to issue an Administrative Order under section 1414(g) of the SDWA, 42 U.S.C. § 300g-3(g) requiring the public water system to comply with the regulations or requirements, or to commence civil action under section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

Please inform EPA of any change in the compliance status of this system. You may wish to confer with my staff to determine the Agency's position concerning this system and to exchange

appropriate information. If the State does not commence appropriate enforcement action within 30 days from the receipt of the notification, EPA will proceed with issuance of an administrative order. Our technical contact is Kimberly Pardue Welch at (303) 312-6983.

A copy of this NOTICE OF VIOLATION has been concurrently sent to the system identified above. Also enclosed for the benefit of the System is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) fact sheet containing information on compliance assistance resources and tools available to small businesses. EPA has agreed to notify small businesses of their right to comment on regulatory enforcement activities at the same time of an Agency enforcement action. SBREFA does not eliminate the responsibility to comply with the Act.

Sincerely,

**s/Lisa Kahn for**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

**s/David Janik for**

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure  
SBREFA

cc: Drew Stobie, Registered Agent (via Certified Mail with return receipt)  
John Arrigo, MT DEQ

**FOR COPIES OF THE ENCLOSURE PLEASE CONTACT THE REGIONAL HEARING CLERK.**

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON JULY 18, 2006.**